

Message Text

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ACTION ARA-10

INFO OCT-01 ISO-00 L-03 JUSE-00 SCA-01 SCSE-00 DHA-02

CIAE-00 DODE-00 PM-04 H-02 INR-07 NSAE-00 NSC-05

PA-02 PRS-01 SP-02 SS-15 USIA-15 ARAE-00 SNM-02

DEAE-00 TRSE-00 IO-14 /086 W

-----031614Z 055650 /45

P 031549Z JUN 77

FM AMEMBASSY MEXICO

TO SECSTATE WASHDC PRIORITY 2540

INFO ALL USCONS MEXICO

UNCLAS SECTION 01 OF 02 MEXICO 08857

EO 11652 NA

TAGS: CASC, MX, PFOR, CGEN

SUBJECT: US-MEXICO PRISONER TRANSFER TREATY

DEPT PASS ATTORNEY GENERAL

1. SUMMARY: ON MAY 31ST CONGEN AND OTHER EMBASSY OFFICERS MET FIRST WITH EXECUTIVE OFFICER AND THEN WITH ATTORNEY GENERAL TO DISCUSS A NUMBER OF MATTERS RELATING TO US PRISONERS IN MEXICO. GOM SEEMS EAGER TO BE READY TO MOVE ON TREATY AS SOON AS IT HAS BEEN APPROVED BY US CONGRESS. PRIMARY GOM CONCERN IS THAT US PUBLIC AND OFFICIALS WILL EXPECT IMMEDIATE RETURN OF ALL PRISONERS IF AND WHEN US CONGRESS TAKES FINAL LEGISLATIVE ACTION. END SUMMARY.

2. CONSUL GENERAL VERNON MCANINCH, CONSUL ARTHUR PRICE AND CONSUL ANTHONY PERKINS MET WITH LIC. FERNANDO BAEZA, EXECUTIVE OFFICER OF THE ATTORNEY GENERAL'S OFFICE TO DISCUSS SEVERAL US PRISONER RELATED ITEMS. CG BEGAN INTERVIEW BY ASKING IF AG'S OFFICE HAD BEEN OFFICIALLY DESIGNATED AS UNCLASSIFIED

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IMPLEMENTING AGENT FOR MEXICO. LIC. BAEZA REPLIED THAT PRESIDENT LOPEZ PORTILLO HAD INDEED DESIGNATED THE AG AS THE OFFICE IN CHARGE OF THE TREATY BUT WOULD NOT MAKE THE DESIGNATION OFFICIAL UNTIL THE US CONGRESS HAS APPROVED TREATY AND DESIGNATED ITS OWN AUTHORITY FOR TREATY.

3. LIC. BAEZA'S ATTENTION WAS CALLED TO THE FACT THAT A NUMBER OF US PRISONERS ARE STILL INCARCERATED WHO COULD, ACCORDING TO EMBASSY RECORDS, BENEFIT FROM THE AG'S PROGRAM OF DROPPING CHARGES AGAINST THOSE PERSONS WHO WERE APPREHENDED WITH SMALL AMOUNTS OF MARIJUANA. LIC. BAEZA PROMISED TO TAKE APPROPRIATE ACTION. EARLY MORNING JUNE 1 HE PHONED THE CONGEN TO ADVISE THAT A US PRISONER IN THE TIJUANA CONSULAR DISTRICT WAS BEING ORDERED RELEASED WITHIN THE NEXT FEW DAYS. WE ALSO BRIEFED LIC. BAEZA ON THE CASE OF A MENTALLY INCOMPETENT US CITIZEN IMPRISONED IN MEXICO CITY. BAEZA TELEPHONED JUNE 1 TO ADVISE CONGEN THAT AG FLORES HAD DISCUSSED CASE WITH STATE AUTHORITIES WHO HAD AGREED TO DROPPING CHARGES AND RELEASING PRISONER TO CONSULAR AUTHORITIES. BAEZA SAID THIS WOULD BE ACCOMPLISHED WITHIN A WEEK.

4. LIC. BAEZA NEXT REQUESTED EMBASSY ASSIST ATTORNEY GENERAL'S OFFICE IN PREPARING LIST TO EXPEDITE EXCHANGE ONCE THE TREATY IS APPROVED. SPECIFICALLY LIC. BAEZA ASKED EMBASSY TO PROVIDE AG WITH FOUR LISTS: (1) GENERAL LIST OF PRISONERS BROKEN DOWN BY CONSULAR DISTRICT; (2) LIST OF PRISONERS WHOSE SENTENCE IS FINAL; (3) LIST OF PRISONERS WHOSE SENTENCE IS UNDER APPEAL (INCLUDING AMPAROS) AND (4) LIST OF PRISONERS NOT YET SENTENCED. HE ASKED THAT EACH LIST INCLUDE THE FOLLOWING DATA: NAME OF PRISONERS; LOCATION; DATE OF ARREST; CHARGES; STATUS OF CASE; FILE NUMBER AND NAME OF UNCLASSIFIED

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COURT HANDLING CASE. TERMING AMERICAN PRISONER POPULATION IN MEXICO A SOCIAL PROBLEM AND ECONOMIC LIABILITY, LIC. BAEZA SAID HIS GOVERNMENT WISHES TO MOVE QUICKLY TO TRANSFER ELIGIBLE PRISONERS ONCE TREATY HAS BEEN APPROVED.

5. IN RESPONDING TO QUESTION CONCERNING WORK CREDITS, LIC. BAEZA STATED VIEW THAT BECAUSE OF NEED FOR CERTAINTY, TERM OF SENTENCE WOULD BE PERIOD USED BY GOM TO DETERMINE GROUP ELIGIBLE FOR TREATY TRANSFER, NOT TERM OF SENTENCE REDUCED BY WORK CREDITS.

6. CONSUL GENERAL AND GROUP NEXT WERE INVITED UPSTAIRS TO ATTORNEY GENERAL OSCAR FLORE'S OFFICE WHERE AG HANDED CONSUL GENERAL LIST OF AMERICAN PRISONERS IN MEXICO. LIST INCLUDED ALL AMERICANS INTERNED IN MEXICO, A TOTAL OF 579 INDIVIDUALS. IT WAS BROKEN DOWN INTO FOUR CATEGORIES A) THOSE

WHOSE SENTENCE IS FINAL (282) B) THOSE WHO ARE
APPEALING (54) C) THOSE WHO HAVE NOT YET BEEN SENTENCED
(199) AND D) THOSE WHO HAVE FILED AN AMPARO (44).

7. ATTORNEY GENERAL ASKED EMBASSY TO CHECK LIST FOR
ACCURACY. IN ADDITION HE PRODUCED TWO DOCUMENTS
WHICH GOM PROPOSES TO USE IN IMPLEMENTING TREATY.
HOWEVER, HE DID NOT PROVIDE CONSUL GENERAL COPIES OF
THOSE DOCUMENTS, INASMUCH AS THEY WERE ONLY PREPARED
IN DRAFT FORM. ONE WAS QUESTIONNAIRE TO ALL PRISONERS
INQUIRING IF THEY WISHED TO BE TRANSFERRED. THE
OTHER, WHICH AG CALLED A CERTIFICATE WAS DRAFT OF A

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DEAE-00 TRSE-00 IO-14 /086 W
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FORMAL DOCUMENT TO BE SIGNED BY THE PRISONER CONSENTING
TO HIS TRANSFER. AG FLORES REITERATED LIC. BAEZA'S
MESSAGE THAT THE GOM WISHED TO MOVE ON THE TREATY
AS QUICKLY AS POSSIBLE IF AND WHEN IT IS APPROVED
AND HOPEFULLY WOULD HAVE DOCUMENTATION PREPARED ON
ALL PRISONERS BY JUNE 30, 1977 WITH WORK CREDITS
ETC. COMPUTED AS OF THAT DATE.

8. AG ALSO EXPRESSED CONCERN THAT APPROXIMATELY
300 PRISONERS WOULD NOT BE ELIGIBLE FOR TRANSFER
UNDER THE TREATY AT PRESENT TIME BECAUSE THEIR
SENTENCE WAS NOT YET FINAL OR BECAUSE THEY HAD LESS
THAN SIX MONTHS TO SERVE. HE URGED EMBASSY TO SEND
LAWYERS TO THE VARIOUS PRISONS TO URGE PRISONERS
TO CONSIDER CAREFULLY WHETHER OR NOT THEY WISHED TO

CONTINUE WITH THEIR APPEALS OR AMPAROS, AND EXPRESSED HOPE THAT CONGRESS WOULD NOT BE MISLED TO BELIEVE THAT MEXICO WAS DRAGGING ITS FEET IF ALL 579 AMERICANS DID NOT MATERIALIZE ON THE BORDER THE DAY AFTER THE TREATY BECOMES EFFECTIVE.

9. SWITCHING TO ANOTHER SUBJECT, LIC. FLORES
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MENTIONED HE HAD HAD BREAKFAST WITH LIC. LUIS ECHEVERRIA RUIZ, SUB-SECRETARY OF GOBERNACION, AND HAD PREVAILED UPON HIM TO REVIEW THE SENTENCES OF ALL PRISONERS CURRENTLY SERVING IN THE MEXICAN JAILS WHO HAD BEEN CONVICTED FOR SMALL QUANTITIES OF NARCOTICS. THE AG INDICATED THAT LIC. ECHEVERRIA HAD REACTED FAVORABLY TO THE SUGGESTION AND PROMISED TO REVIEW ALL CASES IN THAT CATEGORY WITHIN ONE MONTH.

10. ACTION REQUESTED OF ALL CONSTITUENT POSTS:
REQUEST YOU PROVIDE FOUR LISTS AS MENTIONED IN PARAGRAPH FOUR ABOVE BY COB JUNE 6 IF AT ALL POSSIBLE. POST MAY SUBMIT ANNOTATED CURRENT MONTHLY REPORT PROVIDED IT FOLLOWS FORMAT OUTLINED IN CONSULAR CIRCULAR NUMBER 2 DATED MAY 18, 1977. ANNOTATED REPORT SHOULD INCLUDE EXPEDIENTE NUMBER, ANY OTHER NUMBER SUCH AS ONE ASSIGNED TO AMPARO OR ON APPEAL, AND NAME OF COURT IN ADDITION TO INFORMATION ALREADY ON FORM. IN ADDITION, CONSTITUENT POSTS ARE REQUESTED TO SUBMIT BY COB JUNE 13 LIST OF ALL AMCIT PRISONERS IN THEIR DISTRICT WHO HAVE RECEIVED FINAL SENTENCE FOR A DRUG OFFENSE INVOLVING POSSESSION OF NOT MORE THAN 100 GRAMS OF MARIJUANA OR 3 GRAMS OF COCAINE OR HEROIN. THOMPSON

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Message Attributes

Automatic Decaptioning: X
Capture Date: 01-Jan-1994 12:00:00 am
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
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Control Number: n/a
Copy: SINGLE
Sent Date: 03-Jun-1977 12:00:00 am
Decaption Date: 01-Jan-1960 12:00:00 am
Decaption Note:
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Disposition Approved on Date:
Disposition Case Number: n/a
Disposition Comment:
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Disposition Event:
Disposition History: n/a
Disposition Reason:
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Enclosure: n/a
Executive Order: N/A
Errors: N/A
Expiration:
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Handling Restrictions: n/a
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Litigation History:
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Office: ACTION ARA
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Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
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Review Release Event: n/a
Review Transfer Date:
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Status: NATIVE
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TAGS: CASC, PFOR, CGEN, CARR, PGOV, MX, US, (BAEZA, FERNANDO), (MCANINCH, VERNON), (PRICE, ATHUR), (PERKINS, ANTHONY)
To: STATE
Type: TE
vdkgvwkey: odbc://SAS/SAS.dbo.SAS_Docs/615bc785-c288-dd11-92da-001cc4696bcc
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